

IN THE UNITES STATES COURT  
FOR THE DISTRICT OF PUERTO RICO

JOSE RIVERA GARCIA, MARIA I. \*  
REYES RIVERA AND THE CONJUGAL \* CIVIL NUM.: \_\_\_\_\_  
PARTNERSHIP COMPOSED BY THEM \*  
\*  
PLAINTIFFS \* Re: AIRPLANE ACCICDENT, TORT,  
\* DAMAGES, NEGLIGENCE  
vs. \*  
SOUTHWEST AIRLINES \*  
DEFENDANT \*

\*\*\*\*\*

**COMPLAINT**

COME NOW, the above-named Plaintiffs, by and through their undersigned attorney, and respectfully allege and pray:

**I. Jurisdiction and Venue**

1. In the present case is proper, pursuant to provisions of 28 U.S.C. Sect. 1332, due to diversity of citizenship.
2. Plaintiffs are residents of Puerto Rico, the accident happened in Orlando Florida, and Defendant Southwest Airlines is authorized to do business in Puerto Rico, have minimum contacts and have frequent flights to and from Puerto Rico.

**II. The Parties**

3. Plaintiffs Jose Rivera Garcia and Maria Isabel Reyes Pedraza are of legal age, married, retired and residents of Puerto Rico. Together, according to local law, they form a conjugal partnership, with legal interest in the results of the present case. Their address is Urbanización Parque Ecuestre, S15 Calle 40, Carolina, Puerto Rico, 00987; Tel. 787-220-7212.
4. Southwest Airlines Company, (hereinafter referred to as “Southwest”) is a for-profit corporation headquartered in Dallas, Texas, dedicated to air transportation of cargo and passengers. Its current address is: P.O. Box 36647-1CR, Dallas, TX 75235; authorized to do business in Puerto Rico and with frequent flights to and from Puerto Rico.

### **III. Statement of Facts**

5. Plaintiffs Jose Rivera Garcia and Maria Isabel Reyes Pedraza are a married couple, who at the time of the events in which the present Complaint is based, were traveling through Southwest from Orlando, Florida, to San Juan, Puerto Rico.
6. On February 17, 2018, Plaintiffs boarded Southwest Flight #2300 and proceeded to take their seats.
7. After being seated, and while waiting for other passengers to take their seats, a passenger<sup>1</sup> was allowed to board with an oversized carry-on type of luggage

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<sup>1</sup> Identity unknown.

and attempted to put it away in the overhead compartment located over Plaintiff's seats.

8. Co-Plaintiff Maria Reyes was seated in the aisle seat and her husband in the seat next to her.
9. After a brief struggle to put away the oversized piece of luggage, which did not fit in the overhead compartment, the passenger carrying it lost grip of it, and the luggage landed on Maria Reyes' head and neck area, injuring her and causing great pain.
10. After being preliminarily evaluated by paramedics at the scene, Maria Reyes was taken by Southwest and/or airport personnel to a local, Orlando Hospital for further medical evaluation.
11. After being released from the hospital, Plaintiffs requested from Southwest that they be provided with transportation to the airport or accommodations at a local hotel, while they waited for their new flight.
12. Southwest refused to provide either and booked Plaintiffs on another flight to San Juan.
13. Co-Plaintiff Maria Reyes has continued to suffer from pain, neck stiffness, lack of sleep and other physical discomforts and limitations, caused by the luggage hitting her head and neck, and has been forced to seek continued medical attention, therapies and medications to treat her injury.

14. Southwest has denied any responsibility for the incident and refused to provide Co-Plaintiff Maria Reyes adequate compensation for the injury, pain and suffering caused by the luggage hitting her.

#### **IV. CAUSES OF ACTION**

15. The damages: loss of time and income; medical and transportation expenses; physical, emotional, family, social, moral and community damages; depression and anguish; suffered by Co-Plaintiff Maria Reyes are estimated at \$80,000.00.

16. Co-Plaintiff Jose Rivera Garcia has also suffered damages because of the above-described incident and its aftermath. Watching his wife in pain, having to help her move around and do basic chores, and take her to numerous medical appointments, has been overwhelming to him. He has also lost sleep with worry about his wife, having to comfort her during her painful, sleepless nights and making sure she takes her medications on time.

17. Co-Plaintiff Jose Rivera Garcia's damages are estimated at \$10,000.00.

18. Damages claimed herein are a direct consequence of Southwest's negligence and blatant disregard for the safety of its passengers, in that they allowed oversized luggage to be taken in the plane, and not monitoring passenger's trying to fit such luggage in the overhead compartments, while other passengers are already seated.

19. Southwest should and could have anticipated and avoided said damages, if it had a policy in effect regarding the maximum size and weight of carry-on

baggage allowed in the cabin, or, if it has one, by enforcing it, to prevent incidents such as described above, to protect the safety of its passengers.

20. Southwest is solely responsible for the safety and wellbeing of its passengers while traveling in its planes and /or moving within its premises and has failed in protecting Plaintiffs from harm.

## **V. PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs request a judgement against Defendants, as follows:

- a. Awarding Plaintiffs damages described above, in the amounts of \$80,000.00 for Maria Reyes Pedraza, and \$10,000.00 for Jose Rivera Garcia.
- b. Awarding reasonable attorney's fees and costs as available under law.
- c. Awarding interest applicable on judgement.
- d. Awarding such other and further relief as this Honorable Court deems just and proper under the circumstances.

**RESPECTFULLY SUBMITTED.**

This 24th day of July 2018.

s/Francisco R. González-Colón

**FRANCISCO R. GONZALEZ COLON**

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